

**MINUTES  
OF THE REGULAR MEETING OF THE  
EDINA CITY COUNCIL  
HELD AT CITY HALL  
JUNE 16, 2009  
7:00 P.M.**

**ROLLCALL** Answering rollcall were Members Bennett, Brindle, Housh, and Mayor Hovland. Absent at rollcall was Member Swenson.

**CONSENT AGENDA ITEMS APPROVED** Motion made by Member Housh and seconded by Member Brindle approving the Council Consent Agenda as submitted.

Rollcall:

Ayes: Bennett, Brindle, Housh, Hovland

Motion carried.

**\*MINUTES APPROVED – REGULAR MEETING OF JUNE 2, 2009** Motion made by Member Housh and seconded by Member Brindle approving the minutes of the Regular Meeting of June 2, 2009.

Motion carried on rollcall vote – four ayes.

**PUBLIC HEARING HELD – FINAL DEVELOPMENT PLAN AND FINAL REZONING – RESOLUTION NO. 2009-57 AND ORDINANCE NO. 850-A33 ADOPTED** Affidavits of Notice presented and ordered placed on file.

**Planning Director Presentation**

Planning Director Teague presented the request of Ebenezer Society, on behalf of the 7500 York Cooperative, for Final Rezoning from Planned Residential District (PRD-4) to Planned Senior Development District (PSR-4), Final Development Plan, Variance for maximum square footage (17 dwelling units), Setback Variance from Edinborough Way (three feet), and Final Plat approval. Mr. Teague reported the recommendations for approval by the Zoning Board of Appeals and Planning Commission. He indicated staff had found: the proposed use and rezoning were reasonable for this site, senior housing was compatible with nearby uses, the PSR-4 zoning district was appropriate, variances justified, and he recommended approval.

The Council asked questions of Mr. Teague and City Manager Hughes about the PRD-4 and PSR-4 District standards, parking spaces, unit size, and density. The Council discussed Code language and the possible need for an amendment to the zoning ordinance or a variance to allow the proposed efficiency units.

**Proponent Presentation**

Mark Thomas, President and CEO of the Ebenezer Society and President of the Senior Services Division of Fairview Health Services, presented the Society's application, reported the membership overwhelmingly supported the project, and requested the Council's approval. Ward Isaacson, Pope Architects, presented the project under consideration to build a 76-unit, four-story addition to the northwest side of the existing 337-unit, nine-story senior housing development.

The Council asked questions of Mr. Isaacson about the project and sustainable features. Mr. Thomas advised that Ebenezer received financing and could begin the project in September of 2009.

Mayor Hovland opened the public hearing at 7:47 p.m.

**Public Testimony**

Albert Mayer, President of 7500 York Cooperative, addressed the Council and spoke on behalf of the project.

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Brad Beard, 6516 Waterman Avenue, addressed the Council and spoke on behalf of the project.

**Member Brindle made a motion, seconded by Member Housh to close the public hearing.**

Ayes: Bennett, Brindle, Housh, Hovland

Motion carried.

Attorney Knutson advised that a Code text amendment was needed to allow efficiency apartments. He stated such an amendment could be considered by the Planning Commission on July 1, 2009, and the City Council on July 7, 2009. The Council discussed the affirmative vote taken by a high percentage of cooperative members and the need for a Code text amendment.

**Member Bennett introduced and moved adoption of Resolution No. 2009-57, approving a Final Development Plan with variances and Final Plat for 7500 York Avenue Cooperative subject to the following findings for the Final Development Plan:**

1. The proposed plans are consistent with the approved Preliminary Development Plan.
2. The proposed addition is consistent with the multiple family housing developments to the north, south, east, and west.
3. The proposed density is compatible with densities in the area.
4. Given the City of Edina's aging population, senior housing is a need in the City.
5. The existing roadways would support the proposed project.
6. On May 27, 2009, the Planning Commission unanimously recommended approval of the Final Development Plan and Rezoning.

**And findings for the variances:**

1. There is a unique hardship to the property caused by the location of the existing underground parking deck, which would not support the proposed addition. In addition, the proposed building location avoids the large open space and garden area along York Avenue. Therefore, the applicant is forced to develop a site plan by working around this structure and the open space.
2. The proposed four-story addition is reasonably sized given the height of the existing building and the height of buildings in the area. The density of the project allowed by City Code would be 44 units per acre. The applicant is proposing a density of 36 units. Therefore, the proposed building is reasonably sized and a reasonable request given the practical difficulty of having to design a building around the underground parking ramp.
3. The building layout of the area where the variance is requested was driven by the Alzheimer's floor. The rooms are very small. To take three feet off any of the rooms would not be practical given the needs within the facility, including room windows. Eliminating the variance would create obstacles and safety issues for the memory care residents.
4. The setback variance is for a minor three-foot intrusion into the required setback.
5. The requested setback variance for the building is adjacent to a parking lot to the west.
6. The majority of existing units within the existing building do not conform to the maximum standard of 850 square feet for two-bedroom units and 700 square feet for one-bedroom units.
7. It would be reasonable to allow housing units within the addition to be consistent with the existing units.
8. The intent of the maximum square footage standards was to ensure some affordable housing for the Planned Senior Residential Districts. Of the total 76 units, 59 proposed units conform to the maximum requirement (78%).
9. The average unit size is 601 square feet, well below the maximum size requirement.
10. The Zoning Ordinance requirement for maximum unit sizes for senior housing should be reconsidered for its appropriateness by the Planning Commission and City Council.

**And subject to the following conditions:**

1. The site must be developed and maintained in conformance with the following plans, unless modified by the conditions below:
  - Site plan date stamped April 24, 2009,
  - Grading plan date stamped April 24, 2009,
  - Landscaping plan date stamped April 24, 2009,
  - Building elevations date stamped April 24, 2009, and
  - Building materials board as presented at the Planning Commission and City Council meeting.
2. The following must be submitted to the City before a building permit is issued:
  - a. Submit a copy of the Nine Mile Creek Watershed District permit. The City may require revisions to the approved plans to meet the District's requirements.
  - b. Per Section 850.10, Subd. 3.B of the City's Zoning Ordinance, a letter of credit, performance bond, or cash deposit must be submitted in the amount equal to 150% of the proposed landscaping.
3. The property owner is responsible for replacing any required landscaping that dies.
4. Compliance with the conditions required by the City Engineer in his memo dated May 21, 2009.
5. The design and construction of the project must be done with the sustainable initiatives as outlined in the applicant's narrative within the staff report.
6. All buildings must be built with sprinkler systems, subject to review and approval of the Fire Marshal.
7. The Final Plat submitted by Seventy-Five Hundred York Cooperative, fee owner, entitled Seventy-Five Hundred York Campus, is hereby approved.

And to adopt Ordinance No. 850-A33 including waiver of second reading, rezoning 7500 York Avenue from PRD-4, Planned Residential District to PSR-4, Planned Senior Development District.

Member Housh seconded the motion.

Rollcall:

Ayes: Bennett, Brindle, Housh, Hovland

Motion carried.

Member Brindle made a motion, seconded by Member Housh, to set a public hearing for July 7, 2009, to consider an amendment to Edina Code Section 850.13 subd. 7C Planned Senior Development District (PSR) to allow for efficiency units.

Ayes: Bennett, Brindle, Housh, Hovland

Motion carried.

**\*AWARD OF BID – INSURANCE RENEWALS: WORKERS COMPENSATION, GENERAL LIABILITY AND PROPERTY** Motion made by Member Housh and seconded by Member Brindle awarding the bid for worker's compensation at \$446,915.00; general liability insurance at \$338,105; and property insurance at \$75,966.00 to the recommended low bidder, Travelers.

Motion carried on rollcall vote – four ayes.

**\*AWARD OF BID – CONTRACT NO. ENG 09-11 ST. JOHN'S PARK NEIGHBORHOOD STREET** Motion made by Member Housh and seconded by Member Brindle awarding the bid for St. John's Park neighborhood reconstruction: Contract No. ENG 09-11 Improvement Nos. BA-357, SS-445, STS-352 and WM-487 to the recommended low bidder, Midwest Asphalt at \$1,586,586.38.

Motion carried on rollcall vote – four ayes.

**\*AWARD OF BID – CONTRACT NO. PK09-2PK PARK PARKING LOT AND PATHWAY IMPROVEMENT MAINTENANCE** Motion made by Member Housh and seconded by Member Brindle awarding the bid for Bredesen Park pathway, Braemar Golf Course parking lot,

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**Highlands Park parking lot, and Edinborough Park entryway and sidewalk renovations to the recommended low bidder, Bituminous Roadways at \$319,421.00.**

Motion carried on rollcall vote – four ayes.

**RESOLUTION NO. 2009-56 ADOPTED ACCEPTING VARIOUS DONATIONS** Mayor Hovland explained that in order to comply with State Statutes; all donations to the City must be adopted by Resolution and approved by four favorable votes of the Council accepting the donations. **Member Bennett introduced and moved adoption of Resolution No. 2009-56 accepting various donations.** Member Housh seconded the motion.

Rollcall:

Ayes: Bennett, Brindle, Housh, Hovland

Motion carried.

**\*TRAFFIC SAFETY REPORT OF JUNE 3, 2009, ACCEPTED** Motion made by Member Housh and seconded by Member Brindle to accept the June 3, 2009, Traffic Safety Report.

Motion carried on rollcall vote – four ayes.

**\*CHOWEN PARK GARDEN CONTINUED** Motion made by Member Housh and seconded by Member Brindle to continue consideration of Chowen Park Garden to July 21, 2009.

Motion carried on rollcall vote – four ayes.

**\*RESOLUTION NO. 2009-58 ADOPTED GRANT AGREEMENT WITH MINNESOTA HISTORICAL SOCIETY** Motion made by Member Housh and seconded by Member Brindle to adopt Resolution No. 2009-58 authorizing acceptance of a certified local government grant from the Minnesota Historical Society.

Motion carried on rollcall vote – four ayes.

**\*RESOLUTION NO. 2009-53 ADOPTED APPROVING LOT DIVISION, 4306 GRIMES AVENUE, 4201 MORNINGSIDE ROAD** Motion made by Member Housh and seconded by Member Brindle to adopt Resolution No. 2009-53 approving a Lot Division of 4201 Morningside Road and 4306 Grimes Avenue.

Motion carried on rollcall vote – four ayes.

### **COMMUNITY COMMENT**

No one appeared to comment.

**\*CONFIRMATION OF CLAIMS PAID** Motion made by Member Housh and seconded by Member Brindle approving payment of the following claims as shown in detail on the Check Register dated June 4, 2009, and consisting of 30 pages: General Fund \$99,935.39; Communications Fund \$33,670.55; Police Special Revenue \$2,798.85; Working Capital Fund \$118,370.10; Art Center Fund \$19,063.61; Aquatic Center Fund \$6,815.70; Golf Course Fund \$25,326.88; Ice Arena Fund \$1,217.14; Edinborough/Centennial Lakes Fund \$15,853.55; Liquor Fund \$69,146.83; Utility Fund \$59,362.17; Storm Sewer Fund \$1,873.24; PSTF Agency Fund \$23,014.68; **TOTAL \$476,448.69** and for approval of payment of claims dated June 11, 2009, and consisting of 36 pages: General Fund \$115,147.03; Communications Fund \$382.70; Police Special Revenue \$141.79; Working Capital Fund \$22,906.08; Construction Fund \$1,992.14; Art Center Fund \$6,292.21; Golf Dome Fund \$1,417.53; Aquatic Center Fund \$13,029.17; Golf Course Fund \$35,585.67; Ice Arena Fund \$24,906.65; Edinborough/Centennial Lakes Fund \$15,920.62; Liquor Fund \$275,664.85; Utility Fund \$409,797.48; Storm Sewer Fund \$3,406.66; PSTF Agency Fund \$4,128.48; **TOTAL \$930,719.06**; and Credit Card Transactions dated April 28 – May 25, 2009; **TOTAL \$6,124.73**.

Motion carried on rollcall vote – four ayes.

**PETITION DENIED – COUNTRY CLUB ROADWAY RECONSTRUCTION PROJECT** Engineer/Public Works Director Houle presented the petition to redesign the intersection of Drexel

Avenue and Country Club Road and rationale for staff's recommendation of denial. The Council asked questions of Mr. Houle and determined the matter had been thoroughly deliberated and the public process was adequate.

**Member Brindle made a motion, seconded by Member Housh, to deny the petition for Country Club roadway reconstruction based on the rationale that adequate public process had taken place regarding the design and incorporation of traffic calming modifications prior to award of bids for the Country Club area sewer, water, and street reconstruction project.**

Ayes: Bennett, Brindle, Housh, Hovland  
Motion carried.

**\*PETITION RECEIVED – REQUESTING SIDEWALK WEST FRONTAGE ROAD, BENTON AVENUE TO VALLEY VIEW ROAD** Motion made by Member Housh and seconded by Member Brindle to receive the petition requesting sidewalk along West TH100 frontage road from Benton Avenue to Valley View Road and refer it to the Engineering Department for processing as to feasibility.

Motion carried on rollcall vote – four ayes.

There being no further business on the Council Agenda, Mayor Hovland declared the meeting adjourned at 8:23 p.m.

Respectfully submitted,

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Debra A. Mangan, City Clerk

Minutes approved by Edina City Council, July 7, 2009.

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James C. Hovland, Mayor

Video Copy of the June 16, 2009, meeting available.